

REMARKS

Claims 1-12 are all the claims pending in the application. Claim 3 has been amended to incorporate the subject matter of claim 9, which has been canceled.

Entry of the above amendments is respectfully requested.

I. Response to Rejection of Claims 3, 4, 9, 10 and 12 under 35 U.S.C. § 103(a)

Claims 3, 4, 9, 10, and 12 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Lee (WO 91/12755) in view of Inaba (JP 63-89326).

Applicants respectfully traverse the rejection.

Claim 3 is directed to a method for producing a straw tube comprising a tube comprising on an outer circumferential wall thereof, a plurality of grooves extending in a longitudinal direction and a convex streak sandwiched by these grooves, said method comprising: a step of loading a tube into a tube loading groove formed on the outer circumferential wall of a rotating drum and extending in an axial direction thereof, a step of inserting into said tube a female rod having a plurality of grooves formed at a position corresponding to a surface of the tube exposed from said tube loading grooves, and a step of engaging the grooves of the female rod within the tube and convex streaks of a male mold provided on a male roller, through the tube. The convex streak projects outward from a datum level of the outer circumferential wall.

Claim 12 is directed to a method for producing a multi-stage straw tube comprising an inner tube and an outermost tube on an outer circumferential wall thereof, a plurality of grooves extending in a longitudinal direction and a convex streak sandwiched by these grooves, said method comprising: a step of forming an annular inner tube and an outermost tube, a step of forming a groove and a convex streak on the outermost tube, and a step of combining the inner tube and the outermost tube, said step of forming a groove and a convex streak on the outermost tube comprising: a step of loading a tube into a tube loading groove formed on the

outer circumferential wall of a rotating drum and extending in an axial direction thereof, a step of inserting into said tube a female rod having a plurality of grooves formed at a position corresponding to a surface of the tube exposed from said tube loading grooves, and a step of engaging the grooves of the female rod within the tube and convex streaks of a male mold provided on a male roller, through the tube. The convex streak projects outward from a datum level of the center circumferential wall.

The Examiner asserts that "Lee teaches making a straw with two lengthwise grooves 2 on both sides of a protuberance 6a and a protuberance 6c formed above the surface level of the outer wall (a convex streak projects outward from a datum level of the outer circumferential wall). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the protuberance 6a above the level of the outer wall like the protuberance 6c in order to further the purpose of preventing a vacuum within the interior of the container."

However, there is no disclosure, teaching or suggestion in Lee of making the protruberance 6a above the level of the outer wall like the protuberance 6c in order to further prevent a vacuum within the interior of the container. Instead, Lee teaches that the protuberance 6c is a variation of the protuberance 6a, namely, the protuberance 6c is formed by varying the cross section of the protuberance 6a to a smoothly curve cross section. *See* page 7, lines 20-23. Furthermore, Lee teaches that "[i]n case when such protuberance 6c is formed through the whole length, except the cases forming the lengthwise groove 2 or protuberance 6b at a part of the straw 1 as shown in Figs. 1 and 6, holes for air flowing by the protuberances 6a and 6c are formed only when the straw is turned appropriately to one of either rotational direction of right or left after perforating a carton pack." Therefore, it is apparent that Lee is unaware of making the protuberance 6a above the level of the outer wall, particularly in order to further prevent a vacuum within the interior of the container.

Moreover, the effects of the present invention can first be exhibited when two grooves 4,4 and one convex streak 5 sandwiched by these grooves 4, 4 and projecting from the datum level of the outer circumferential wall of the tube body 1 are provided in combination. In other words, if only the two grooves are provided, the sucking hole cannot be expanded, and the void between the peripheral edge of the sucking hole and the groove may be clogged by the peripheral edge of the sucking hole. *See* page 9, lines 4-9.

Thus, for at least the above reasons, Lee does not disclose every element of claims 3 or 12, and Inaba does not make up for the deficiencies of Lee. Accordingly, the combination of Lee and Inaba fail to render the present invention according to claims 3 or 12 obvious.

In view of the above, withdrawal of the rejection is respectfully requested.

II. Response to Rejection of Claim 11 under 35 U.S.C. § 103(a)

Claim 11 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Lee (WO 91/12755) in view of Inaba (JP 63-89326), and further in view of Cornell (US 5,975,340).

Applicants respectfully traverse the rejection.

Since claim 11 depends from claim 3, it is respectfully submitted that claim 11 is patentable for at least the same reasons as claim 3.

Accordingly, withdrawal of the rejection is respectfully requested.

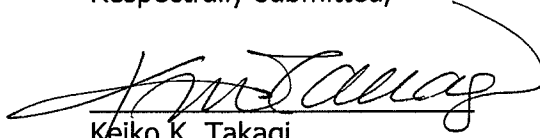
III. Conclusion

In view of the above, reconsideration and allowance of claims 1-8 and 10-12 is respectfully requested.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Keiko K. Takagi
Registration No. 47,121

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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